manner in which the CBI conducted the raid. May I know what the complaints were about the subordinate staff of this department?

SHRI M.V. CHANDRASHEKHAR MURTHY: They alleged that their colleagues were abused, manhandled and beaten up while the search was being conducted. They also struck work. To avoid disruption in work, Group A officers from various, Directorates, and Group B officers from outside offices were deputed to take care of the work. Their resentment is noted. The Department has been clearly instructed to protect the sincere and honest officials.

THE DEPUTY CHAIRMAN: Question No. 123.

SHRI VIREN J. SHAH: Madam, I would like to know from the hon. Minister...(*Interruptions*)

THE DEPUTY CHAIRMAN: We have already spent half-an-hour on this Question. Question No. 123. (*Interruptions*)

*123. *[The Questioner (Shri Dilip Singh Judev) was absent. For answer vide col. 31 infra.]*

Construction of Hotel by Airports Authority without Sanction Plan

*124. SHRI RAJNI RANJAN SAHU: Will the Minister of CIVIL AVIATION AND TOURISM be pleased to state:

(a) whether it is a fact that the International Airports Authority/ National Airports Authority have constructed a big building (hotel) on Jaipur Road opposite to Indira Gandhi International Airport without getting the plan sanctioned from DDA; and

(b) if so, the details thereof?

THE MINISTER OF CIVIL AVIATION AND TOURISM (SHRI GHULAM NABI AZAD): (a) and (b) No, Sir. Airports Authority of India have leased a plot of land to M/s A.B. Hotels Ltd. for construction of a motel on the land vested with the Airports Authority of India and therefore, specific approval of the construction Plans by the DDA is not considered necessary. Airports Authority of India have furnished their reply to the Notice received from DDA in September, 1995 in this regard.

श्री रजनी रंजन साहू: उपसभापति महोदया, मंत्री महोदय ने वास्तविकता से हट कर उत्तर देने की कोशिश की है। एयरपोर्ट अथारिटी गरीब ग्रामवासियों से ज़मीन ले कर एयरपोर्ट के विकास के लिए काम करती है, इस प्रकार का प्रावधान एयरपोर्ट आथारिटी एक्ट में किया गया है। ग्रामीणों से ज़मीन ले कर किसी निजी संस्थान को देने का कहीं भी प्रावधान एयरपोर्ट अथारिटी के एक्ट में नहीं है। महोदया, मंत्री महोदय ने हमारे प्रश्न (क) और (ख) का उत्तर जी नहीं कह कर गलत कामों पर पर्दा डाला है। दिल्ली के मास्टर प्लान एवं दिल्ली के डी०डी०ए० एक्ट के अनुसार ऐसी सभी जमीनें जो ऑपरेशनल एरिया के बाहर अधिग्रहण की जाती है, उन पर किसी भी प्रकार के कंस्ट्रक्शन के लिए डी०डी०ए० एवं अन्य संबंधित विभागों से नक्शा पास करवाना आवश्यक समझा जाता है। जो जमीन होटल के लिए निजी संस्थान को दिया गया है वह ऑपरेशनल एरिया के बाहर है। मंत्री महोदय इस बात पर गौर करेंगे कि दो हिस्से होते हैं, एक ऑपरेशनल एरिया होता है और दूसरा नॉन ऑपरेशनल एरिया होता है। ऑपरेशनल एरिया में जब आप कोई कंस्ट्रक्शन करेंगे उसके लिए आप कोई परमिशन नहीं लेंगे लेकिन जो आप नॉन ऑपरेशनल एरिया में कंस्ट्रक्शन करेंगे तो उसके लिए परमिशन लेना आवश्यक है। मैं यह कहना चाहूंगा जैसे कि आपने उत्तर में भी हवाला दिया है कि डी०डी०ए० ने कोई नोटिस दिया है जिसका उत्तर इन्होंने दे दिया है। क्या मंत्री महोदय यह बताने की कोशिश करेंगे कि जो डी०डी०ए० ने नोटिस दिया है जिसका रेफरेंस उत्तर जिन्होंने दिया है उससे डी०डी०ए० असंतुष्ट है और कोई सख्त कदम उठाने की नोटिस की बात आपके जानकारी में आई है या नहीं? इन सारी बातों को ध्यान में रखते हुए क्या ऐसे पदाधिकारियों के खिलाफ जिन्होंने गलत ढंग से काम किया है कोई जांच करने का आश्वासन सदन को देंगे?

SHRI GHULAM NABI AZAD: Madam, a notice was received from the DDA on 15th March, 1994, asking the Airports Authority of India to explain about their not taking permission before

cosntruction. On June 24, 1994, the Airports Authority of India replied that this was an airport land and that the lease of the land was permitted strictly in accordance with the Master Plan. The DDA in their reply to this letter, on 28th October, 1994, stated that the land belonged to the International Airports Authority of India and forms the operational this is what has been stated in the letter of the DDA—area of the Authority. The DDA said that it was for the International Airports Authority of India to see that no deviations from the Master Plan were taken on this land. On the 18th of September another notice was received from the DDA, stating that this building did not form part of operational construction. Again, on the 12th of October, 1995, the Airports Authority, along with the A.B. Hotels, appeared before the DDA and testified that this building formed part of operational construction since the Airports Authority Act permits the Airports Authority to construct hotels as part of its functions along with other activities like managing airports, air-space and other operational activities.

In conclusion, yes, this land belongs to the International Airports Authority. This has already been testified to by the DDA. The DDA has also said, "It is within the rights of the International Airports Authority. They can construct, but they should not deviate from the Master Plan." Sir, the Airports Authority has not deviated from any Master Plan.

The second letter which the DDA has sent is that this does not come in the operational area of the International Airports Authority. We have two Acts — the old Act before the merger of the Airports Authority of India and the International Airports Authority and the new Act. The original Act also in Chapter III, sub-section 3(f) says, "establish and maintain hotels, restaurants and rest rooms at or near the airports."

So, now it is a question of interpretation. The Airports Authority says, "It is to establish and maintain. "Establish" means construct. Unless you construct, how can you establish?" The interpretation of the DDA is that, instead of "establish", it should have been "construct." So, a legal battel is going on between the two Authorities on whether "construct" means establish or "establish" does not mean "construct."

THE DEPUTY CHAIRMAN: I think they should use the thesaurus and find out the meaning. That will be the easiest thing.

SHRI TRILOKI NATH-CHATURVEDI: In this legal battle, only people's money is being wasted, and the Supreme Court will direct the Government for right decision.

THE DEPUTY CHAIRMAN: Mr. Chaturvedi, what happened to you today?

SHRI GHULAM NABI AZAD: First of all, nobody's money is being wasted.

THE DEPUTTY CHAIRMAN: Mr. Minister, you are not obliged.

SHRI GHULAM NABI AZAD: No, no.

SHRI RANJI RANJAN SAHU: He should reply to my question.

श्री दिग्विजय सिंह: इस क्वेश्चन में क्या रखा है। डी०डी०ए० और एयरपोर्ट अथारिटी दोनों सरकारी संस्थाए हैं।

उपसभापति: सवाल मंत्री जी ने बताया ... **(व्यवधान)** मंत्री जी ने सवाल किया ...**(व्यवधान)**

श्री गुलाम नबी आजाद: मैं जवाब दूंगा ..**(व्यवधान)**

उपसभापति: वे अभी जवाब दे देंगे। कंबाइन कर देंगे...**(व्यवधान)**

I will allow him. It is a simple question whether establish means construct. It is a legal matter. The best thing would be to get the thesaurus to find out whether it comes within its purview or not. It would be the easiest thing. What more can you add?

श्री रजनी रंजन साहू: मंत्री महोदय ने जो उत्तर बताया है उसमें उन्होंने बताया है कि एयरपोर्ट के नजदीक। यह तो जयपुर रोड पर है। इस्टेब्लिश या कंस्ट्रक्ट यह देखना है। तो यह प्रश्न उठता है कि एयरपार्ट के नजदीक है या एयरपार्ट से दूर है—2 किलोमीटर दूर है या 6 किलोमीटर। यह बिल्कुल जयपुर रोड पर है। यह मैं नहीं मानता अगर जयपुर रोड एयरपोर्ट के अंदर है तो हमारा कोई प्रश्न नहीं है। लेकिन मेरा यह कहना है कि यह आपरेशंनल एरिया नहीं है और यह दूर है। कुछ बातों का हवाला उन्होंने दिया—वह एयरपोर्ट से हटकर होटल बनाया गया है और डी०डी०ए० की सभी चिट्ठियों का उन्होंने हवाला दिया। लेकिन जो लास्ट में चिट्ठी आई है उसमें इनके सारे कन्टेंशंस को उन्होंने नकार दिया है। इसका हवाला नहीं दिया है वह है 22.10 की चिट्ठी जो लेटेस्ट है, बस इसके बारे में मंत्री महोदय को जानकारी है या नहीं? अगर नहीं है तो जानकारी करा देंगे?

श्री गुलाम नबी आजाद: अब मैडम, एअरपोर्ट ही पूरी जयपुर रोड पर है तो उसका क्या करें। अगर यह एअरपोर्ट का हिस्सा नहीं होता जमीन एअरपोर्ट का हिस्सा नहीं होता तो यह होता ही नहीं तो यह एअरपोर्ट का ही हिस्सा है। एक्ट में है 'at or near'. So, near could be naturally not more than one or two kilometres. May be, hardly one kilometre.

SHRI DINESHBHAI TRIVEDI: It is a very serious matter. Madam, with your permission I would like to enlarge the scope of this question. If there is any construction coming near an airport, it is a question of safety. That is why I seek your permission to go a little ahead and enlarge the scope of this quesiton.

Madam, we have recently seen what happened in Aurangabad. There was an unmanned railway crossing very very close to the runway and because of a truck standing on the runway, there was an unfortunate crash and we lost lives. Similarly, if you are going to have hotels, how safe is it and what is the compulsion?

Similarly, near the Bombay Airport, we have got *Jhopar Patti*. When we land at the airport, we see *Jhopar Pattis* all over. And, Madam, what happened recently in Delhi? I do not want to quote from the reports appearing in the newspapers, because an inquiry is going on and it would be unfair to say what is true or otherwise, but I would like to put to the hon. Minister questions specifically in two parts.

Firstly, I would like to know if there is any committee that goes precisely into the safety aspects of it before clearing such constructions. Secondly, is he also thinking in terms of getting the *jhopar Pattis* shifted away from the runway at the Bombay Airport of, may be, shifting the airport itself either or the two, considering what has recently happened at the Delhi Airport, where because of God's grace lives were saved, the passengers were miraculously saved? But, anyhow, it was a very unfortunate incident. I do not have the time and I do not want to waste the time of the House to get down what happened and that did not happen. I would like to know if the hon. Minister is ready with a statement, because the Government should have come out with a *suo motu* statement. I do not blame the VIP. The hon. President of the country must have security. But, at the same time, the life of the common man is as important as the life ot anybody else. So, would he like to make a statement in the House as soon as possible, preferably today? These are my questions in two parts.

THE DEPUTY CHAIRMAN: One part is about the hotel.

SHRI GHULM NABI AZAD: Madam, I think it is in three parts.

THE DEPUTY CHAIRMAN: He has safely landed at the wrong place.

SHRI GHULAM NABI AZAD: Madam, one is related to construction of hotels. He has asked whether all aspects are gone into. Yes. The National Airports Authority, the International Airports Authority and the DGCA take into consideration all these aspects before taking up such projects. As far as this particular hotel is concerned, it does not

come into the funnel of the aircraft route. So, there is nothing to worry about as far as that part of the question is concerned.

As far as the question of *Jhopar Patti* near the Bombay Airport is concerned, it was taken up from time to time by my predecessor. I also took it up myself and I had two meetings with the previous Chief Minister, Shri Sharad Pawar, one in Bombay and one in Delhi. Officers from the State Government and the Airports Authority were also present. We visited the state two or three times. We also identified the land, but it is very difficult. You know how the system works these days. So, unfortunately there has not been much of progress as far as the shifting part of the *Jhopar Patti* at Bombay is concerned.

Now as far as the third part is concerned, in regard to the unfortunate incident which took place some two days back, the preliminary report presented by the Inspector of Accidents has suggested serious lapses on the part of the pilot and the co-pilot on the one hand and also the ATC Radar Controller on the other. The licences of both the pilot and the co-pilot have been suspended by the Director General of Civil Aviation. The Government also suspended the ATC Officer.

Meanwhile I would like to inform the House that the Government has decided to institute an independent court of inquiry under rule 75 of the Aircraft Rules which would reveal full facts and circumstances of the incident.

THE DEPUTY CHAIRMAN: Now there is no need for a statement.

SHRI GHULAM NABI AZAD: On the basis of the preliminary report, we have already taken action. We do not want to leave it just at the preliminary report level we have decided that in independent court of inquiry should be instituted so that all facts would come before us...*(Interruptions)*...

THE DEPUTY CHAIRMAN: Now, I would not permit any more questions on this...*(Interruptions)*...

SHRI GHULAM NABI AZAD: It is an independent court of inquiry. ...*(Interruptions)*...

THE DEPUTY CHAIRMAN: You can put questions on the hotel aspect, but not on the accident aspect.

SHRI GURUDAS DAS GUPTA: Madam, what is the time frame of this inquiry? That is more important.

SHRI DIGVIJAY SINGH: Madam, what is the time frame? We would like to know whether we would get a reply in this session or not.

THE DEPUTY CHAIRMAN: He was to make a statement.

SHRI GURUDAS DAS GUPTA: Let him say.

SHRI DIGVIJAY SINGH: Let him reply.

SHRI GHULAM NABI AZAD: Madam, we have taken this decision yesterday and we are going to formulate the terms and conditions—I can assure the House — as soon as possible... *(Interruptions)*...

SHRI SURINDER KUMAR SINGLA: Mr. Digvijay, let me put my question...*(Interruptions)*...

THE DEPUTY CHAIRMAN: What happened to the Members? I think in this session now itself it is very unruly. No consideration for Members also. *Boliye.*

SHRI SURINDER KUMAR SINGLA: Madam, one appreciates the hon. Minister's position that hotels are an integral part of airports. But one would like to know when this land was actually allotted. What are the various terms and conditions offered to the private party under which they have to operate? That is my question.

SHRI GHULAM NABI AZAD: Madam, the first part relates to the question put by my friend, Mr. Sahu. The land was acquired by the

International Airports Authority in 1972. The tenders were invited for this hotel in 1988. The terms and conditions of this hotel were: (a) Payment of lease money for land at the rate of—this amount would have gone to the International Airports Authority—Rs. 50 per sq. metre per annum which is to be revised by the International Airports Authority, from time to time. I have checked up with the International Airports Authority and they have told me that they have very recently revised it. As against Rs. 50 per square metre, it is now Rs. 110 per square metre. (b) In addition to the lease money, payment of 6 per cent on the gross turnover on hotel business or a minimum gurantee amount which is Rs. 37.5 lakhs per annum, whichever is higher. (c) On the expiry of the lease which is 30 years, the hotel including structures, fittings, fixtures, etc., will become the property of the Airports Authority without payment of any compensation. (d) The construction of the hotel shall be in accordance with the plans and specifications of the Airports authority with floor space index as one and in conformity with such directions as the Authority may issue in this connection.

(e) The International Airports Authority would have the power to nominate a maximum of two members on the Board of the company to construct or run the hotel. The lease period was decided to be 30 years.

THE DEPUTY CHAIRMAN: If Members confine themselves to particular questions, I can accommodate many people. Question No.125.

Collection of Central Taxes and Distributing them as State Share

*125. SHRI GOPALRAO VITHALRAO PATIL: Will the Minister of FINANCE be pleased to state:

(a) what is the total collection of taxes as customs duty and corporate tax for the last three years;

(b) what are the reasons for not taking into consideration this tax while distributing Centre's share to States according to the recommendation of 10th Finance Commission when many States are demanding it; and

(c) what is the percentage of share of various taxes given as States' share, and whether the 10th Finance Commission has suggested 26 of all gross receipts of all central taxes as States' Share?

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI M.V. CHANDRASHEKHAR MURTHY): (a) The total collection of customs duty and Corporate Tax for the last three year is an under:—

Year	Customs Revenue (Rs. in crores)	Net Collection From Corporate (Rs. in crores)
1992-93	23717.28	8899
1993-94	22239.74	10060
1994-95	26664.82	13821

(b) As per the provisions contained in the Indian Constitution, only taxes on income other than agricultural income shall be levied and collected by the Govt. of India and distributed between the union and the States. However, taxes on income does not include the Corporation Tax, therefore it is not shared. There is no provision in the Constitution for sharing the Customs Duty with the States.

(c) The percentage share of various taxes assigned to the states for the year 1995-96 is at statement (see below). The Tenth Finance commission in para 13.14 has suggested an alternative scheme of devolution—26% of the gross receipts of Central taxes could be shared with the states. However, this recommendation involves constitutional amendment and extensive consultation with the States.